

UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

JARED L. WHITT,)	
)	
Plaintiff,)	Case No. 8:12-CV-00358
)	
v.)	MOTION TO FOR SUMMARY
)	JUDGEMENT ON THIRD CLAIM
UNION PACIFIC RAILROAD CO.,)	FOR RELIEF
)	
Defendant.)	

COMES NOW Defendant Union Pacific Railroad Company (“Union Pacific”) and, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56.1, moves for summary judgment on Plaintiff’s Third Claim for Relief. As shown in the Memorandum supporting this Motion filed contemporaneously herewith, Union Pacific is entitled to judgment as a matter of law on Plaintiff’s Third Claim for Relief because Plaintiff may not seek relief under two separate provisions of federal law for the same alleged misconduct.

WHEREFORE, Union Pacific respectfully requests an Order granting partial summary judgment on Plaintiff’s Third Claim for Relief in its favor.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2014, I electronically filed the foregoing with the Court using the CM/ECF system, which will send notification of such filing, via electronic mail, to all attorneys of record for the Plaintiff.

_____/s/Tabitha G. Davisson